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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,219	03/09/2004	Yasuhito Inagaki	09792909-5822	2711

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EXAMINER

BOYKIN, TERRESSA M

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/796,219

Applicant(s)

INAGAKI ET AL.

Examiner

Terressa M. Boykin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection with regard to USPub 2004/0137321. Note, however, that the effective date of March 12, 2003 is of no consequence since no English language translation has been provided. The rejection over US Pub. 2004/0161690 is maintained. Further, applicants claim is directed to a "casing" which is (may be) used for recording media. Note, however that other casings, shell, box, container etc. may be used for recording media and/or other items as such.

### **35 USC 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Claims 1-29 rejected under 35 U.S.C. 103(a) as being unpatentable US 20040161690 see abstract, pages 1-6, figures 1A and 1B; further in view of USP 5859071.***

**US 20040161690** discloses an information recording medium and method of producing the same.

FIGS. 1A and 1B are schematic perspective views showing one example of the structure of an information recording medium according to the present invention.

FIG. 1A

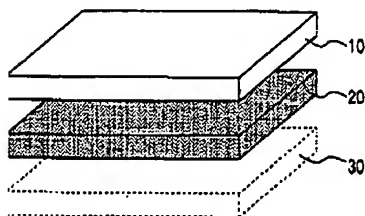
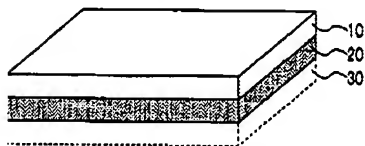


FIG. 1B



The reference discloses that, as the substrate, plastic films are typically used. Among these plastic films, light transmittable films usable as an OHP film such as a polyacetate film, cellulose triacetate film, nylon film, polyester film, polycarbonate film, polystyrene film, polyphenylene sulfide film, polypropylene film, polyimide film, cellophane and ABS (acrylonitrile-butadiene-styrene) resin film may be preferably used.

Among the aforementioned various plastic films, a polyester film, particularly, those called PETG obtained by replacing about one-half of an ethylene glycol component of PET (polyethylene terephthalate) with a 1,4-cyclohexanemethanol component, those alloyed by mixing polycarbonate with the aforementioned PET and amorphous type polyesters called A-PET which is not biaxially oriented are more preferably used.

In a case where embossing processing is not to be applied, a conventional biaxial oriented PET (polyethylene terephthalate) film and the like may be used. However, embossing processing is essential in many cases to retain the functions of conventional cards. At present, therefore, ABS films and polyolefin resin films which are softened at relatively low temperatures, modified PET resin films called PETG and integrally formed films of a modified PET film and a PET film, an amorphous PET resin film or a

polycarbonate resin film come to be used.

The reference discloses that a substrate 3 is obtained in the same manner as in Example 1 except that 7 parts of a transparent high-molecular conductive agent, 3 parts of a surfactant, and 90 parts of an alloy resin of PETG and polycarbonate are used as the substrate material.

With regard to applicants' claim 8; **USPub 20040161690** discloses in the preparation: 10 parts of a transparent high-molecular conductive agent is mixed with 90 parts of a PETG resin this mixture is melted and kneaded at 240 C. by using a biaxial extruder with a vent. The kneaded mixture is extruded in a molten film state downward from a die and brought into contact with the outer periphery of a cooling mandrel disposed on the same line as the die to cool it to 80 C., so as to obtain a substrate 1 which is a transparent film having a thickness of 100 .mu.m.

In view of the reference above, with regard to claims applicants' claims 3, 4, 11, 15, 17, 18 and 20 the presence of a window is inclusive of a window display commonly present in various recording medium, such as a video cassette, video game etc. and would be an integral part of the article thus anticipating applicants' claims above.

In view of the reference above, with regard to applicants' claims 7, 9, 12, 21, 23, 26, 27 note that a two-color molding article is an inherent cosmetic feature a recording medium which may be a cassette player, video game etc. and thus would anticipate applicants' recited two color molded article.

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With regard to applicants' claim 29 note that the recording medium such as a video cassette players, video game, etc. and thus would anticipate applicants' recited electronic and electric appliance.

Consequently, with regard to claims 1-29 the reference discloses a recording medium article prepared from the same components and amounts as claimed by applicants except for fact that the polyethylene terephthalate was retrieved from a recovery method. Nevertheless, it is noted that plastic recycling up to the present time has focused mainly on plastics packaging and primarily on plastic bottles and containers. It is well known in the art that technology for the reclamation of **polyethylene terephthalate** (PET) bottles has been developed due to their high volume in the post consumer waste stream; similar technology also exists for **reclaiming other plastics bottles**, film and molded fabricated parts. PET is currently the major recyclable plastic material, **US 5859071** acknowledges that there has been increasing interest in the recycling of the commingled plastics waste of automobiles. The different engineering plastics used in various parts of an automobile include polycarbonate, nylons, **polyethylene terephthalate**, **acrylonitrile-butadiene-styrene**, etc.

Consequently, in view of the common use of the polyethylene terephthalate and acrylonitrile-butadiene-styrene alloy mixture in recording mediums, as shown by the various references above, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a scrap or waste product polyethylene terephthalate moiety in the production thereof since such has been the

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primary focus in industry to employ waste product bottle or polyethylene terephthalate for use in secondary compositions or products.

***Claims 1-29 rejected under 35 U.S.C. 103(a) as being unpatentable US Pub 20040137321 see claim 18, abstract, and figures 1 and 2.***

The reference discloses a casing for an energy storage device made of the materials as claimed by applicants.

FIGS. 1 and 2 of the reference illustrate a casing for an energy storage device in which the structural shell 12 is made of molded plastic material having the requisite strength characteristics such as polybutylene terephthalate (PBT), polyethylene, polyethylene terephthalate (PET) polyamide, polypropylene, polyvinyl chloride (PVC) or acrylonitrile butadiene styrene (ABS), amongst other possibilities. Note that claim 18 of the reference is directed to a casing as defined in claim 1 wherein said structural shell is made of a material selected from the group consisting of polybutylene terephthalate (PBT), polyethylene, polyethylene terephthalate (PET) polyamide, polypropylene, polyvinyl chloride (PVC) and acrylonitrile butadiene styrene (ABS), combinations thereof, and PolyPhenylene Ether and Polystyrene blend (PPE+PS).

\*Note that in each instance (terephthalate is misspelled in the reference, however, it is properly defined as PBT).

It would have been obvious to one having ordinary skill in to employ the casing for a recording medium since such as is not limited to the use of an energy storage device. Vice versa, there exist no claim disguising features, structure, or characteristics of the casing of the claimed invention other than the materials used that would limit it to the use of only recording material.

**Correspondence**


Please note that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. Applicants may be referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Terressa Boykin whose telephone number is 571 272-1069. The examiner can normally be reached on Monday through Friday from 6:30am to 3:00pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The general information number for listings of personnel is ( 571-272-1700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb

  
Examiner Terressa Boykin  
Primary Examiner  
Art Unit 1711